

Department of Environmental Quality (DEQ)
Surface Water Quality Division (SWQD)
Administrative Consent Orders (ACO)
For Stormwater Related Violations
January 1994-May 2000

NORTHERN REFLECTIONS ESTATES, L.C.C.-ACO-SW00-003

In May 2000 the SWQD entered into an ACO with Northern Reflections Estates, L.C.C. on May 18, 2000. The Order was drafted to settle violations of Part 31 of the Natural Resources and Environmental Protection Act (NREPA) and the National Pollution Discharge Elimination System (NPDES) Permit-By-Rule Number MIR103327. The violations occurred in Plainfield Township, Kent County and stem from a failure to implement and maintain proper soil and erosion control measures at the construction site, and the illegal discharge of sediment laden water to waters of the state.

The Order requires Northern Reflections Estates, L.C.C. to follow all provisions of their NPDES Permit-By-Rule Number MIR103327 including the certified storm water operator requirement. The Order also requires Northern Reflections Estates, L.C.C. to submit a Storm Water Pollution Prevention Plan to address storm water issues at the development site and to perform restorative actions at the discharge site.

The Order requires Northern Reflections Estates, L.C.C. to pay \$5,000 to the State of Michigan as partial compensation for the cost of investigations and compliance and enforcement activities. The Order also requires Northern Reflections Estates, L.C.C. to pay \$20,000 to the State of Michigan as a civil penalty for the violations and the performance of Supplemental Environmental Projects in the amount of \$20,000. Northern Reflections Estates, L.C.C. is subject to stipulated penalties of \$1000 per day for each failure to comply with the provisions of the Order.

Wico Metal Products- ACO-SW00-001

In May 2000 the SWQD and Wico Metal Products, Inc. entered an ACO to resolve violations of NPDES stormwater permits at two separate Wico facilities in Centerline and Warren. Violations included the failure to have certified storm operators and Storm Water Pollution Prevention Plans (SWPPP). Non-structural controls also had not been implemented to prevent pollutants from industrial activity from entering surface waters via storm water runoff. Wico also failed to obtain a required NPDES stormwater permit at a third facility.

Wico agreed to perform corrective measures including cleaning of the storm drains and oil covered pavement at all three facilities. Wico obtained certified operators, and submitted SWPPP's at two facilities, and applied for a NPDES storm water permit for the third facility. Wico agreed to pay a civil penalty of \$80,000 to the State of Michigan for the violations. In addition to the civil penalty, Wico reimbursed the state \$10,000 for staff and attorney fees, and made a \$10,000 cash donation to the City of Warren for beneficial environmental projects.

Associated Refrigeration Services, Inc. – ACO-SW99-026

In December 1999 the SWQD entered an ACO with Associated Refrigeration Services, Inc. (ARS) of Wyoming. The ACO was entered to resolve violations resulting from a discharge of ammonia to a storm drain that caused a fish kill in a two-mile stretch of Indian Mill Creek.

ARS was servicing refrigeration equipment at the Thorn Apple Valley Walker West plant. During the service call, approximately 10 gallons of ammonia was discharged over pavement into a storm drain catch basin that discharged directly into Indian Mill Creek. Approximately 4,000 game fish and 3,000 non-game fish died as a result.

ARS agreed to pay \$20,000 to the Fish and Game Protection Fund of the State of Michigan for natural resource damage restitution. ARS also agreed to pay a \$5,000 civil penalty to the state.

H. Hirschfield Sons Co.- ACO-SW99-025

In February 2000 the SWQD entered an ACO with H. Hirschfield Sons Co. of Bay City. Hirschfield operates a scrap yard facility in Bay City. Hirschfield discharges stormwater to the Saginaw River via the Bay City combined sanitary collection system, the Bay City storm sewer system, and also directly from the facility into waters of the state.

Hirschfield was investigated by the SWQD due to a complaint of sediment being tracked off site onto local streets. Oil from Hirschfield equipment was found on the ground and sediment was being tracked offsite from the access roads to the site. Stormwater runoff was entering catch basins from the facility scrap yard. Samples of stormwater from the catch basins identified high levels of PCB's, mercury, copper and zinc.

Hirschfield agreed to submit a SWPPP, and to submit quarterly reports certifying progress on construction of structural controls to prevent the discharge of polluting material into the storm sewer system. Hirschfield agreed to reimburse the state \$20,000 for staff time and to pay a \$30,000 civil penalty to the State of Michigan. Hirschfield also agreed to spend \$20,000 to design and install an equipment wash station on site.

Fairchild Development Co.- ACO-SW99-024

In February 2000 the SWQD entered an ACO with Fairchild Development Co. of Clinton Township. The ACO was entered to resolve violations of Fairchild's NPDES stormwater permit for construction activity.

Fairchild was constructing a subdivision known as the "Ravines of Northville" in Northville Township. Fairchild failed to hire a certified stormwater operator and to maintain inspection logs for the construction site. Fairchild also failed to install or maintain soil erosion control measures and discharged sediment-laden water from the site into surface waters.

Fairchild agreed to hire a certified operator, maintain inspection logs, and install erosion control measures at this site, and any sites in the future. Fairchild agreed to pay a civil

penalty of \$25,000 to the State of Michigan. Fairchild also agreed to reimburse the state \$3,500 for staff time.

Shanty Creek/Schuss Mountain Resorts (Go Forward Operations) – ACO-SW99-023

In December 1999 the SWQD entered an ACO with Shanty Creek for failing to obtain a NPDES stormwater permit for construction activity, and for unlawful discharges of sediment to waters of the state.

Sediment was discharged from the construction activities at the Cedar River Village golf course. Shanty Creek failed to obtain a stormwater permit for construction activity prior to beginning construction of the golf course. Shanty Creek also failed to have the site under the operation of a certified stormwater operator, and failed to maintain inspection logs.

Shanty Creek obtained a stormwater permit and developed a SWPPP and shall implement a water quality-monitoring plan and will submit a final report summarizing results of the monitoring. Shanty Creek agreed to implement a 1998 Turf Management Plan developed for the golf course. Shanty Creek agreed to comply with the requirements of its NPDES stormwater permit.

Shanty Creek agreed to reimburse the State \$3,500 for staff time, and to pay \$5,000 in cash to the State of Michigan for a civil penalty. In addition, Shanty Creek agreed to pay \$20,000 to the Grand Traverse Land Conservancy.

MacDonald's Industrial Products- ACO-SW99-019

In February 2000 the SWQD entered an ACO with MacDonald's Industrial Products of Kentwood to resolve violations of MacDonald's NPDES industrial stormwater permit and unlawful discharges of waste containing heavy metals to surface water via storm drains.

NPDES industrial stormwater permit violations include failure to have a certified operator, failure to develop a SWPPP, failure to correct illicit stormwater cross connections, and failure to implement controls to prevent discharges into the storm system.

MacDonald's agreed to comply with its stormwater permit and its SWPPP, implement a stormwater-monitoring plan to characterize its storm water, and to submit a report summarizing all monitoring data.

MacDonald's agreed to pay a \$100,000 civil penalty to the State of Michigan to resolve the violations. MacDonald's also agreed to pay \$5,000 in cost reimbursement for staff time.

E & B Development- ACO-SW99-005

In May 1999 the SWQD entered an ACO with E & B Development (E & B) of Grand Rapids. E & B was constructing a housing project in Rockford known as "Highland

Hills". E & B was issued a NPDES stormwater permit to discharge stormwater from construction activity.

E & B failed to comply with its stormwater permit by failing to properly maintain soil erosion control measures, which allowed sediment to discharge into waters of the state on numerous occasions.

E & B agreed to properly implement erosion control measures in the future at this and all further construction sites. E & B also agreed to pay a civil penalty to the State of Michigan \$10,000, and reimbursed the state \$2,000 in staff time. E & B also agreed to make cash donations of \$2,500 to the Grand Rapids Steelheaders, \$2,500 to Ducks Unlimited, \$2,500 to Pheasants Unlimited, and \$2,500 to the Safari Club of West Michigan

Wellington Industries – ACO-SW99-001

In March 1998 the SWQD entered into an ACO with Wellington Industries. Wellington had failed to obtain a NPDES stormwater permit for industrial activity and had unlawfully discharged oil into waters of the state.

Wellington discharged stormwater to the Huron River via drainage ditches and was required to possess a stormwater permit. Wellington actively pumped oil out of a catch basin into an open ditch.

Wellington was ordered to conduct a site remediation which included removal and disposal of 46,000 gallons of oil from a holding pond, and removal of contaminated vegetation and soils from the drains, sewer pipes and ditches. Wellington also obtained a NPDES stormwater permit for industrial activity and submitted a SWPPP. Wellington also agreed to implement a Corrective Action Plan, and to install non-structural and structural controls to prevent unlawful discharges into the storm sewer system.

Wellington Industries reimbursed the State \$6,065.36 for staff time and paid a civil penalty of \$15,000 to the State of Michigan.

Kerkstra Precast, Inc – ACO-SW98-015

In January 1999 the SWQD entered an ACO with Kerkstra Precast, Inc. of Jenison for failure to obtain a NPDES stormwater permit and for unlawfully discharging oil into waters of the state.

Kerkstra caused an oil sheen on Rush Creek due to a discharge of hydraulic fluid. Kerkstra was found to have an unpermitted storm water discharge and an unpermitted discharge of process wastewater from the cement sawing process. Kerkstra was required to obtain a stormwater permit for industrial activity.

Another discharge of hydraulic fluid occurred. Kerkstra failed to notify the SWQD about the discharge. Kerkstra was found to be in noncompliance with its stormwater permit by the failure to notify. Kerkstra also failed to provide a certified stormwater operator, and failed to develop a SWPPP as required by the permit.

Kerkstra agreed to notify the SWQD of any future discharges, and to obtain a certified operator and to submit a SWPPP. Kerkstra also agreed to reimburse the State \$1,500 and to pay a civil penalty of \$10,000 to the State of Michigan. Kerkstra also agreed to expend \$5,000 in the form of a supplemental environmental project.

RSI Leasing, Inc.-ACO-SW98-014

In December 1998 the SWQD entered an ACO with RSI Leasing, Inc., doing business in Grand Rapids. RSI was observed washing flour from bulk tanker trucks into the storm sewer system. The SWQD staff observed bulk tanker trucks parked adjacent to a catch basin with hoses lying next to the tankers. While conducting a site investigation on July 31, 1998, the SWQD staff noted a bleach odor and observed flour and bleach on the pavement surrounding the tankers. RSI management informed DEQ staff that the RSI tankers were rinsed in this manner on a regular basis. An investigation revealed that the catch basins were found to discharge into the Grand River.

RSI agreed to prevent all future washing operations that may discharge to the storm sewer system. RSI agreed to conclusively determine the discharge location of any catch basins to be used in washing operations and to receive NPDES stormwater permits as may be applicable.

RSI Leasing, Inc. agreed to reimburse the state of \$2,000 dollars as compensation for the cost of investigations and compliance and enforcement activities. RSI Leasing, Inc. also agreed to pay a civil penalty of \$5,000 dollars to the general fund of the State of Michigan for the illegal discharge of process wash water containing flour and bleach.

OUTSIDER CAR WASH- ACO-SW98-008

In September 1998, the SWQD entered an ACO with the Outsider Car Wash for the unlawful discharge of foam into Plaster Creek from its car wash operation in Kentwood, MI.

Process wastewater and foam from the car wash operations were draining into a pit that contained an overflow to the storm drain. Over time, car tires had eroded concrete that served to prevent water from reaching the pit. Immediately upon notification of the discharge by the SWQD, the Outsider Car Wash temporarily plugged the storm drainpipe until it was permanently connected to the sanitary system.

The Outsider Car Wash agreed to reimburse the state \$1,500 as compensation for the cost of investigations, compliance and enforcement activities and to pay a civil penalty of \$3,500 to the general fund of the State of Michigan for the discharge. In addition, it agreed to donate \$3,500 to the West Michigan Trout Unlimited.

Western Michigan University- ACO-SW98-003

In May 1998 the SWQD entered an ACO with Western Michigan University (WMU) in Kalamazoo for the unlawful discharge of detergent from a campus fountain into Arcadia Creek via the storm sewer. The discharge resulted in a fish kill.

WMU believes the detergent was placed into the fountain as a student prank and when campus personnel drained the fountain via the storm sewer, the fish kill occurred. WMU connected the fountain drain to the sanitary sewer.

WMU agreed to reimburse the state \$500 for staff time and to pay a civil penalty of \$7,500 to the State of Michigan. WMU also donated \$7,500 to the Groundwater Education in Michigan Regional Center in WMU's Institute for Water Sciences.

CONSOLIDATED RAIL CORPORATION-ACO-SW98-002

In May 1998 the SWQD entered an ACO with Consolidated Rail (Conrail) for the failure to pay NPDES stormwater permit fees for 15 facilities. In 1994 the SWQD issued Conrail NPDES stormwater discharge permits for 15 facilities located in Michigan. Conrail paid the required permit fee of \$200 for each facility in 1994 but failed to pay the fees in 1995, 1996, and 1997, despite late and delinquent notices sent by the SWQD.

Conrail paid \$10,485.00 owed to the state for overdue fees for 1995, 1996, and 1997. Conrail also sent termination requests for six facilities that no longer required storm water discharge permits. Conrail agreed to pay any future fees due for storm water discharge permits by the payment due dates on the invoice, and will avoid any late payments, which require late fees to be assessed. Conrail agreed to reimburse the state \$2,000.00, as compensation for the cost of enforcement activities and also agreed to pay \$3,000.00 as a civil penalty to the State of Michigan.

Family Fare Supermarket- ACO-SW98-001

In April 1998 the SWQD entered an ACO with Family Fare Supermarket in Lowell. Employees of the supermarket disposed of melted ice cream into a storm drain in the alley behind the store after a malfunction in the refrigeration system caused the ice cream to melt. The storm drain discharged directly to the Grand River.

The Family Fare Supermarket agreed to post signs on the external doors in the back of the store prohibiting the discharge of ice cream waste into the storm drain. The Family Fare Supermarket also agreed to establish internal written procedures for the proper handling and disposal of emergency wastes at each of their stores in Michigan.

Family Fare Supermarket agreed to pay a civil penalty of \$1,500 to the State of Michigan and agreed to allocate \$1,650 as a supplemental environmental project toward educational materials for retail grocers in Michigan concerning discharge of waste food products.

Rhino Enterprises, Inc. - ACO-SW97-013

The SWQD entered an ACO with Rhino Enterprises, Inc. of Wyoming in October 1997. Rhino Enterprises operates a campground/recreational facility and failed to obtain a NPDES stormwater permit for construction activity during an expansion project.

Rhino Enterprises failed to provide erosion control measures and discharged sediment to Hunter Creek on numerous occasions. Rhino Enterprises was ordered to stabilize the site and obtain proper permits before commencing any additional work on this site.

Rhino Enterprises agreed to pay a civil penalty of \$5,000 to the State of Michigan and agreed to reimburse the state \$1,500 for staff time.

Shane Steel – ACO-SW97-011

In September 1997 the SWQF entered an ACO with Shane Steel of Fraser. Shane Steel was issued a NPDES stormwater permit for industrial activity due to stormwater discharge into the Clinton River via Sweeney Drain.

Shane Steel failed to comply with the requirements of its permit. Shane failed to obtain a certified stormwater operator and to submit a SWPPP, and had not installed measures to prevent discharge of polluting material into the storm system.

Shane hired a certified stormwater operator and submitted a SWPPP and installed measures to prevent discharge to the storm system. In addition, Shane agreed to pay a civil penalty of \$25,000 to the State of Michigan and to reimburse the State \$5,000 in staff time.

High Grade Materials – ACO-SW97-001

In January 1997 the SWQD entered an ACO with High Grade Materials of Greenville. High Grade Materials operates a sand and gravel mining facility. High Grade Materials did not obtain the required NPDES permit for the discharge of sand and gravel mining wastewater and caused the discharge of sediment into waters of the state on numerous occasions.

High Grade applied for and was issued a permit for the discharge of sand and gravel mining wastewater. High Grade also agreed to reimburse the state \$1,500 for staff time and pay a civil penalty of \$10,000 to the State of Michigan.

TruGreen-Chemlawn – ACO-SW96-004

In June 1996 the SWQD entered an ACO with TruGreen Chemlawn of Grandville. An employee of TruGreen spilled a mixture of fertilizer and herbicide into a storm sewer during application to a lawn. TruGreen claimed it happened as a result of improperly placed valves during transfer from one tank to another. TruGreen experienced four other discharges to the storm system following the first incident.

TruGreen agreed to report all future discharges and to implement an employee training program designed to teach employees how to operate equipment used in the application of lawn care products in such a way to prevent discharges to waters of the state.

TruGreen agreed to pay \$3,500 to a private non-profit organization dedicated to environmental preservation, and also agreed to reimburse the state \$1,500 for its costs.

Taylor Machine Products – ACO-SW95-006

In March 1995 the SWQD entered an ACO with Taylor Machine Products of Taylor. Taylor Machine Products was found to be discharging waste oil into the storm drain system from a retention basin that was full of waste oil and from catch basin located on its property.

Taylor Machine Products spent more than \$19,000 cleaning up the catch basins. Taylor Machine Products also agreed to submit a Pollution Incident Prevention Plan. Taylor Machine Products also agreed to pay a civil penalty of \$20,000 to the State of Michigan and reimbursed the state \$3,200 for staff time.

Hayes-Albion Corp. – ACO-SW95-005

In February 1995 the SWQD entered an ACO with Hayes-Albion Corp. of Albion. The ACO was entered to resolve violations of a discharge of oil to waters of the state via a storm drain.

Hayes-Albion was emptying a quench oil tank into an underground 35,000 gallon tank. The underground tank became full and overflowed to the ground through its fill port and vent. The oil flowed into the street and into a municipal storm water catch basin that discharges to the Kalamazoo River. A quantity of oil also entered an on-site storm drain and was conveyed to the facility's storm water lagoon.

Hayes-Albion performed a large scale clean up effort of the oil. Hayes-Albion initiated an employees program in spill response procedures. Hayes-Albion also paid a civil penalty of \$6,000 to the State of Michigan and reimbursed the state \$2,000 for staff time.

Michigan Milk Producers Association – ACO-SW95-003

In April 1995 the SWQD entered an ACO with Michigan Milk Producers Association (MMPA) in Ovid. The ACO was entered to resolve violations of a spill of cream into the storm sewers and then into the Maple River. MMPA was not permitted for discharge via storm sewers.

MMPA made improvements to its leak detection system and conducted dye testing to confirm any other illicit storm water connections to the Maple River. MMPA agreed to pay a \$3,500 civil penalty to the State of Michigan and reimbursed the state \$4,000 in staff time.

Georgetown Construction Co. – ACO-SW94-008

In September 1994 the SWQD entered an ACO with Georgetown Construction Co. of Jenison. Georgetown was involved in a subdivision construction project and was constructing a detention basin that would be used for storm water management.

Georgetown did not need a NPDES stormwater permit for construction activity because the site was less than 5 acres in size. During dewatering of the detention basin, Georgetown discharged sediment directly into Pine Creek on several occasions. Georgetown dewatered the basin without having a dewatering plan approved by the local soil erosion control authority.

Georgetown agreed to obtain approved plans before further dewatering activity and to inspect its pumps during dewatering. Georgetown also agreed to reimburse the state \$3,200 for staff time and to pay a civil penalty of \$10,000 to the State of Michigan. Georgetown also agreed to donate \$2,500 to the West Michigan Branch of Trout Unlimited.

City of Grand Rapids – ACO-SW94-007

The SWQD entered an ACO with the City of Grand Rapids in June 1994 for discharges of sediment during a road construction project. The City was issued a NPDES stormwater permit for the project, which included the installation of an improved storm sewer drainage system.

During the project the City failed to install appropriate soil erosion control measures to prevent sediment from entering the storm drain system. Sediment discharged into Coldbrook Creek Drain. The City also failed to maintain inspection logs, or to inspect the catch basins with 24 hours of a precipitation event.

The City agreed to submit a plan detailing actions it would take in the future to prevent discharges and to install erosion control measures. The City also agreed to reimburse the state \$2,500 for staff time and to pay a civil penalty of \$5,000 to the State of Michigan.

General Motors Corporation – ACO-94-005

In June 1994 the SWQD entered an ACO with General Motors Corp in Lansing. The ACO was entered to resolve a violation resulting from the discharge of a soluble oil/water mixture to the Grand River via storm sewers.

A flood occurred in one building due to equipment malfunction on a coolant system containing soluble oil. The oil flowed outside of the building and entered a storm sewer catch basin and flowed into the river. GM initiated a clean up and the company conducted an investigation to determine routes of entry into the storm water system. Two catch basins were found to be the cause and were subsequently plugged.

GM agreed to reimburse the state \$500 for staff time and to pay a civil penalty of \$3,000 to the State of Michigan. GM also agreed to donate \$2,500 to the Ingham County Drain Commissioners office for purchase of equipment to be used for their on-going Water Quality Inventory Project.